

**Department of Environmental Services
Hazardous Waste Remediation Bureau (HWRB)**

Activity and Use Restrictions Proposal Checklist

Site name: _____ DES Site #: _____
Site Address: _____ Town: _____
Site Owner: _____ Phone: _____
Contact Person: _____ Phone: _____
Deed Reference: County: _____ Book: _____ Page: _____
Brownfields Participant:
Name (if applicable): _____ Phone: _____
Relationship to site owner: _____

*Does the Activity and Use Restrictions (AUR) proposal contain the following information?**

yes no n/a

Signature

☐ ☐ ☐ 1. notarized signature (s) of the property owner(s)

Property Information

- ☐ ☐ ☐ 2. the location of the property and its street address
- ☐ ☐ ☐ 3. a metes and bounds description of the property (or portion of the property) that is subject to the AUR (i.e. Restricted Area), and
- ☐ ☐ ☐ a. a recordable or registerable plan of such property prepared by a New Hampshire Registered Land Surveyor or a New Hampshire Registered Professional Engineer, or
- ☐ ☐ ☐ b. a reference to a survey plan of such property that has been recorded and/or registered
- ☐ ☐ ☐ 4. title reference by which the property owner(s) acquired title to the property
- ☐ ☐ ☐ 5. a sketch plan showing the location of the Restricted Area in relation to the property boundaries of the site, if the Restricted Area is not coincident with the property boundaries
- ☐ ☐ ☐ 6. names(s) of the property owner(s) and, for Brownfields Program participants (RSA 147-F) that do not own the property, the relationship to the owner
- ☐ ☐ ☐ 7. the time period during which the AUR must be in place

Description of AUR

Prohibited Activities and Uses

- ☐ ☐ ☐ 8. a precise description of the Site Activities and Uses prohibited on the property
- ☐ ☐ ☐ a. construction or placement of buildings, utilities, roadways, parking lots or other structures

- ☐ ☐ ☐ b. excavating, dredging or otherwise removing sediments, soils, loam, peat, sand, gravel, rock or other mineral substance
- ☐ ☐ ☐ c. planting, removal or destruction of trees, shrubs, or other vegetation
- ☐ ☐ ☐ d. using a private well to supply groundwater for human consumption
- ☐ ☐ ☐ e. use of the property as a park, playground or school
- ☐ ☐ ☐ f. other Site Activities and Uses required to eliminate exposures to contaminants on the property

☐ ☐ ☐ 9. an acknowledgment that the AUR shall run with the land, in accordance with RSA 147-E:16(II)

☐ ☐ ☐ 10. an analysis of the long-term feasibility of maintaining such use restrictions

☐ ☐ ☐ 11. an agreement to incorporate either in full or by reference the AUR into all deeds, easements, mortgages, leases, licenses, occupancy agreements, or any other instruments conveying an interest in and/or a right to use the property

Compliance Measures

☐ ☐ ☐ 12. a precise description of the measures which will be taken to ensure compliance with restrictions (such obligations may include the continued proper operation of remedial actions, specific procedures governing excavation activities to protect workers and site neighbors, and the erection and maintenance of fences to prohibit access of unauthorized persons to the site)

Permitted Activities and Uses

☐ ☐ ☐ 13. a precise description of Site Activities and Uses which are permitted on the subject property, including without limitation specific provisions for purposes of maintenance, alteration, or repair of utilities, or specific types of land uses and how the restrictions will eliminate the site's risks to human health and the environment

Emergency Procedures

☐ ☐ ☐ 14. procedures to be followed when an emergency requires immediate excavation of contaminated soil to repair utility lines or other infrastructure on the site, or to respond to other types of emergencies (e.g., fire or floods) that may result in a significant risk of harm from exposure to contaminants at the site, including

- ☐ ☐ ☐ a. notifying NHDES of such emergency condition
- ☐ ☐ ☐ b. limiting disturbance of contaminated media to the minimum reasonably necessary to adequately respond to the emergency
- ☐ ☐ ☐ c. undertaking specified precautions to reduce exposure of workers and neighbors of the site, to contaminated media (e.g., the need for specific types of protective clothing for workers conducting the excavation, and procedures for minimizing the liberation of contaminated dust)
- ☐ ☐ ☐ d. engaging the services of an environmental consulting firm to prepare or supervise preparation and implementation of a written plan for restoring the site to a condition consistent with the AURs, and to review and evaluate response actions to ensure minimal disturbance of contaminated media

Revision/Release of AUR

☐ ☐ ☐ 15. the procedures for amending and releasing the AUR should indicate that NHDES must approve any revisions or proposal to release AUR(*): developed from the *Contaminated Sites Risk Characterization and Management Policy* (September 1996) section 11.2 Implementation of Activity and Use Restrictions Revised as of February 1997